

Also, a bill (H. R. 15960) granting an increase of pension to David N. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15961) granting an increase of pension to Henry Frederick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15962) granting an increase of pension to Charles T. Beals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15963) granting an increase of pension to D. C. McMillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15964) granting an increase of pension to Lucius A. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15965) granting an increase of pension to Henry W. Shroeder—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 15966) for the relief of Henry Luther—to the Committee on Military Affairs.

By Mr. BROOKS: A bill (H. R. 15968) granting an increase of pension to James Luther Hodges—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of George W. Randall, of Portland, Me., owner of the fishing sloop *Lottie W.*, praying for damages sustained by his vessel to the extent of \$200, on account of the U. S. steamer *Weitzel* striking said sloop and crushing her port side below water line—to the Committee on Claims.

By Mr. AMES: Resolution of the Lowell (Mass.) Board of Trade, in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petition in favor of Hearst bill to increase the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Papers to accompany House bill granting a pension to Edwin Ellis—to the Committee on Invalid Pensions.

By Mr. CAPRON: Papers to accompany House bill granting an increase of pension to Hiram R. Frelove—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany the bill for the promotion and retirement of Col. John B. Rodman, United States Army, retired—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of the Interstate Commerce Law Convention held at St. Louis, Mo., October 28 and 29, 1904, asking for relief from discriminating tariff rates by various railway corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Resolution in the matter of the interstate-commerce law adopted at a meeting of the Manufacturers' Association of New York Monday evening, November 21, 1904, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of the Kings County Division, No. 419, of the Brotherhood of Locomotive Engineers, urging the passage of the bill (H. R. 13354) to pension engineers on the military roads during the civil war—to the Committee on Military Affairs.

Also, resolution of the Twenty-second Annual Lake Mohonk Conference of the Friends of the Indians, in reference to liquor traffic in the Indian Territory—to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to Nellie Barrett—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Papers to accompany bill granting a pension to Martha Sanders—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting pension to Anna E. Brown—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of churches and societies of Woonsocket, R. I., favoring a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HARRISON: Resolution of the Manufacturers' Association of New York, favoring the enlarging of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brunswick-Balke-Collender Company of New York City, favoring the enlarging of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Petitions of citizens of Arkansas, urging passage of bill H. R. 1997, regulating liquor traffic in States and Territories where local-option laws have been passed—to the Committee on Ways and Means.

By Mr. MCCREARY of Pennsylvania: Petition of Elizabeth

F. Givin, widow of William I. Givin, first sergeant, United States Marine Corps, United States Navy, in support of bill H. R. 19808, granting her an increase of pension—to the Committee on Invalid Pensions.

Also, papers in support of bill H. R. 5001, to reimburse James M. McGee, M. D., for expenses incurred in the burial of Mary J. De Lange, a deceased pensioner—to the Committee on Claims.

By Mr. McNARY: Resolution of Division No. 61 of the Brotherhood of Locomotive Engineers, of Boston, Mass., praying relief for locomotive engineers who served at the front during the civil war—to the Committee on Military Affairs.

Also, petition of citizens of Mattapan, Suffolk County, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill for the relief of William R. Fulk, Company F, One hundred and forty-ninth Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers in support of House bill granting a pension to James W. Wood, of Jackson County, Ala.—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers in support of House bill granting a pension to Jane Asher, of Paulding, Ohio—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of Meriden, Waterbury, Wallingford, and Middletown, Conn., for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the Baptist convention, relative to conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, resolution of the New England Tobacco Growers' Association, opposing any reduction in the duty on tobacco—to the Committee on Ways and Means.

By Mr. TIRRELL: Papers in support of House bill granting a pension to Ira D. McClary—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of the Pattenberg Gun Club, in favor of bill H. R. 9302, providing for untaxed denaturized alcohol—to the Committee on Ways and Means.

#### SENATE.

THURSDAY, December 8, 1904.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. WILLIAM B. BATE, a Senator from the State of Tennessee, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

#### ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

#### TRESPASSES ON INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs relative to the seizure of live stock found trespassing on Indian reservation lands, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### ANNUAL REPORT OF COMMISSIONER OF FISHERIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the annual report of the Commissioner of Fisheries for the fiscal year ended June 30, 1904; which, with the accompanying paper, was referred to the Committee on Fisheries, and ordered to be printed.

#### ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the fiscal year ended October 31, 1904; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

#### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Gyrandotte, W. Va., v. The United States;

which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Strube, administratrix of the estate of P. B. Sawyer, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. McCUMBER. I present a petition in the form of a telegram, which I ask may be read and referred to the Committee on Manufactures.

There being no objection, the petition was read and referred to the Committee on Manufactures, as follows:

[Telegram.]

BOSTON, MASS., December 8, 1904.

Hon. PORTER G. McCUMBER, *United States Senate*,  
Washington, D. C.

The General Federation of Women's Clubs indorse the pure-food bill now pending before the Senate, and urge its passage. Signed indorsement follows by mail for the committee.

ELIZABETH FOSTER,  
44 Fairfield Street, Boston.

Mr. PLATT of New York presented petitions of the New York Legislative League, of New York City; of the Woman's Christian Temperance Union of Rushford; of Julia E. Merrill, of Rushford; of the Political Equality Club of Auburn; of the Woman's Christian Temperance Union of Johnson Creek; of Woman's Relief Corps No. 133, of New Rochelle; of the Woman's Suffrage Association of Brooklyn; of Sarah R. A. Dolley, of Rochester; of the Woman's Christian Temperance Union of Little Genesee; of the Prospect Political Equality League of Brooklyn, and of Joseph B. Bloss, of Rochester, all in the State of New York, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. PENROSE presented petitions of sundry citizens of Philadelphia, of the Pennsylvania Baptist Educational Society, and of the Woman's Presbyterian Missionary Society of Troy, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented a petition of the Highland Park Woman's Christian Temperance Union, of Mount Vernon, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was referred to the Committee on Territories.

Mr. DILLINGHAM presented the petition of Rev. M. L. Brown and sundry other citizens of Middletown Springs, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Albert C. Bliss and sundry other citizens of Calais, Vt., praying for the establishment of a parcels post and for the adoption of a postal currency; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of the Presbytery of Puget Sound, United Presbyterian Church of North America, of Tacoma, Wash., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union; of the congregation of the Methodist Episcopal Church, and of the congregation of the Congregational Church of Snohomish, and a petition of the Amethyst Club of Spokane, all in the State of Washington, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

JULIUS A. KAISER.

Mr. PENROSE. From the Committee on Naval Affairs I report back with an amendment the joint resolution (H. J. Res. 158) construing the act for the relief of Julius A. Kaiser as carrying an appropriation, and I ask for the present consideration of the same.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Naval Affairs was, to strike out all after the resolving clause and insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to Julius A. Kaiser the sum of \$3,758.45, being the amount disallowed by the accounting officers of the Treasury for difference between active-duty pay of a second assistant engineer and retired pay of a first assistant engineer from October 13, 1868, to July 8, 1873, while on the active list of officers of the Navy.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The PRESIDENT pro tempore. The committee also reports to strike out the preamble. It will be stricken out, without objection.

The title was amended so as to read: "A joint resolution for the relief of Julius A. Kaiser."

FRUTOS TOMÁS PLAZA.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 78) authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Frutos Tomás Plaza, of Ecuador, to report it favorably without amendment, and I ask for its present consideration.

The joint resolution was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FUNERAL EXPENSES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by him yesterday, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committees appointed by the President pro tempore of the Senate in arranging for and attending the funerals of the late Senator from Pennsylvania, Hon. Matthew S. Quay, and the late Senator from Massachusetts, Hon. George F. Hoar, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 5866) for the relief of the rector, wardens, and vestry of St. John's Church at Jacksonville, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5867) granting a pension to George Amerine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5868) granting an increase of pension to Mary C. Buck;

A bill (S. 5869) granting an increase of pension to Sarah A. Page (with accompanying papers);

A bill (S. 5870) granting a pension to Mary J. Lawrence (with an accompanying paper);

A bill (S. 5871) granting an increase of pension to Willard P. Chaffee;

A bill (S. 5872) granting an increase of pension to George Gove; and

A bill (S. 5873) granting an increase of pension to Roswell F. George (with accompanying papers).

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5874) for the relief of the estate of Wesley Shelton, deceased (with an accompanying paper);

A bill (S. 5875) for the relief of the estate of James Guy, deceased (with accompanying papers);

A bill (S. 5876) for the relief of George W. Penney and the heirs of Thomas Penney, deceased;

A bill (S. 5877) for the relief of Hennegan's Chapel Methodist Episcopal Church South, at Dunlap, Tenn.;

A bill (S. 5878) for the relief of the estate of Washington Turner, deceased;

A bill (S. 5879) for the relief of William Renneau;



A bill (S. 5880) for the relief of the heirs of George B. F. Guthrie, deceased;

A bill (S. 5881) for the relief of the heirs of Erban Powell, deceased;

A bill (S. 5882) for the relief of James Graham;

A bill (S. 5883) for the relief of Hillery Hopkins;

A bill (S. 5884) for the relief of the trustees of the Primitive Baptist Church, of Pelham, Tenn.;

A bill (S. 5885) for the relief of the estate of Philip L. Daniels, deceased (with accompanying papers); and

A bill (S. 5886) for the relief of the heirs of Simeon Graves, deceased (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5887) granting an increase of pension to Ellen Winfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5889) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5890) granting an increase of pension to Andrew Magnuson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 5891) for the relief of Josephine Lillie, a Yakima Indian; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5892) granting an increase of pension to James McAuliff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5893) granting an increase of pension to Jerusha Hayward Brown;

A bill (S. 5894) granting an increase of pension to S. G. Kreidler;

A bill (S. 5895) granting an increase of pension to Isaac N. Hawkins; and

A bill (S. 5896) granting an increase of pension to August Krueger.

Mr. FULTON introduced a bill (S. 5897) granting a pension to Collin A. Wallace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5898) granting an increase of pension to Charles E. Mayhew; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5899) for the relief of owners of rents in Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5900) for the relief of the estate of Owen Conlen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5901) for the relief of the estate of Dr. J. C. Patrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, and so forth; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a joint resolution (S. R. 85) authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society of Germantown, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

#### INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SPOONER submitted the following concurrent resolution; which was referred to the Committee on Rules:

*Resolved by the Senate (the House of Representatives concurring).* That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

#### COUNTING OF ELECTORAL VOTES.

Mr. BURROWS submitted the following concurrent resolution; which was referred to the Committee on Privileges and Elections:

*Resolved by the Senate (the House of Representatives concurring).* That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

#### PURE-FOOD BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. HEYBURN. Mr. President, I desire to call up the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. LODGE. Has the bill been read?

Mr. CULLOM. If the bill is taken up, I hope it will be read at length.

Mr. ALDRICH. Let it be read for information.

Mr. HEYBURN. I do not ask for unanimous consent; I act pursuant to a notice that I should ask the Senate to take up the bill. I do not understand that that calls for unanimous consent.

Mr. GALLINGER. It certainly does.

Mr. ALDRICH. Certainly it does.

Mr. PLATT of Connecticut. At this time it does.

Mr. HEYBURN. The morning hour has not expired, and there being nothing else before the Senate I understand that under the rules I am entitled to take the sense of the Senate as to whether or not it will at this time consider the bill.

The PRESIDENT pro tempore. Until 1 o'clock the Senate can not, under the rules, proceed to the consideration of any bill except by unanimous consent.

Mr. HEYBURN. And between 1 and 2?

The PRESIDENT pro tempore. Between 1 and 2, the Calendar being under consideration, a motion can be made to proceed to consider anything on the Calendar.

Mr. HEYBURN. Do I understand that an objection has been interposed?

Mr. ALDRICH. I asked that the bill might be read for information.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the Senate proceed to the consideration of the bill, and the Senator from Rhode Island asks that it may be read.

Mr. ALDRICH. For information.

The PRESIDENT pro tempore. It will be read for information.

Mr. GALLINGER. Before consent is given?

The PRESIDENT pro tempore. I take it there is no necessity to read the original bill, but simply the proposed amendment which strikes out the original text.

Mr. ALDRICH. I want to have the bill read as passed by the House and then let the proposed substitute be read.

The PRESIDENT pro tempore. It will be read.

Mr. TILLMAN. I was going to suggest that it would consume considerable time to read the bill, and it will be objected to after it is read. Why waste time in reading it until we get ready to discuss it? I will object now, to get it out of the way.

Mr. HEYBURN. It is only a few pages long.

Mr. TILLMAN. I thought it was about 10 or 15 pages.

Mr. ALDRICH. It will take some time.

Mr. TILLMAN. All right. I am perfectly willing to let the Senator have it read, but I think it is a waste of time.

Mr. LODGE. There are 22 pages to be read.

Mr. TILLMAN. Twenty-two pages, and it is morning business concerning which I wish to make an inquiry. Let us get through with the morning business and then go on with it regularly.

Mr. HEYBURN. I understand that the morning business is finished.

The PRESIDENT pro tempore. Does the Senator from South Carolina object?

Mr. TILLMAN. I do object, sir.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Idaho.

Mr. HEYBURN. I give notice that on Monday next after the routine morning business, I shall move to proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

#### LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed.

#### The Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering statements showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the months of March, April, May, June, July, August, September, and October, 1904, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

WHITE HOUSE, December 7, 1904.

THEODORE ROOSEVELT.

#### RECESS APPOINTMENTS.

Mr. TILLMAN. Mr. President, I rise to make an inquiry and to get some information.

At the last session I introduced a resolution, which the Senate adopted on the 4th of February after some modification, instructing the Judiciary Committee to make inquiry and report "what constitutes a recess of the Senate and what are the powers and limitations of the Executive in making appointments in such cases." Nothing was done in the way of making a report on the resolution, for reasons which are well understood. As it is well known that the action of the Executive in making the appointment which provoked this inquiry has been repeated and the name sent in again, and as the subject will be discussed by the Senate, I merely want to know when we will have a report from the Judiciary Committee, as I desire to have such report before the consideration of the nomination is had by the Senate. If the present chairman of the Judiciary Committee will kindly enlighten me, I will be very much obliged to him.

Mr. PLATT of Connecticut. Mr. President, as is well known, the chairmanship of the Judiciary Committee is now vacant. I suppose that I perhaps will be regarded as the acting chairman of the committee. Therefore I reply to the Senator from South Carolina.

As he has suggested, circumstances due to the ill health of the then chairman of the committee were such that the matter was not considered by the Judiciary Committee at the last session. I will assure the Senator that at the first meeting of the committee I shall call its attention to the resolution that is pending before the committee. I can not assure him of anything else; but I shall call the attention of the committee to it, and the committee will take such action as it may deem proper and advisable.

Mr. TILLMAN. Will the Senator from Connecticut answer another question which occurs to me in connection with his statement just made? Has the Judiciary Committee power to refuse to make a report when the Senate orders it to do so? It must make some sort of a report, must it not, if the Senate itself has instructed it?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. Of course.

Mr. SPOONER. Is there any time limit on the resolution?

Mr. TILLMAN. None at all. I presume, however, that the matter might be stirred up several times in the meantime by new resolutions, and possibly we might take it up in the Senate without any committee report at all, where no time limit of any sort runs. In such cases a reasonable time is allowed and expected, and that is all the committee ought to ask.

Mr. PLATT of Connecticut. Mr. President, I do not want to answer hypothetical questions. As to what are the powers of the committee with reference to a resolution of the sort referred to it, I do not know that I am called upon now to define. I can assure the Senator that I shall call the attention of the committee to it, and I have no doubt the committee will do whatever it thinks is proper in the matter; and if it does not suit the Senator he is at all times at liberty to appeal to the Senate.

Mr. TILLMAN. Of course I understand that. My question was only for the purpose of explaining why I have called this matter up. It is that this appointment, that I have hitherto opposed with all my might, has been thrust upon the Senate again, and it will probably be acted on pretty soon. I want to give notice that I think it will be unjust and unfair to ask the Senate to vote on it or to ask me not to oppose a vote on it before the committee reports.

I do give notice now that I do not want to have Mr. Crum's appointment considered by the Senate for the purpose of confirmation until the Judiciary Committee has passed upon this question. I do not propose to obstruct in any way, or to attempt to thwart the will of the Executive; I am simply exercising my right in a quiet way to ask for a report from the Judiciary Committee before Mr. Crum's confirmation is considered; and that is all.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 12 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, December 12, 1904, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate December 8, 1904.*

#### CONSUL-GENERAL.

James Johnston, of New Jersey, now consul at Palermo, Italy, to be consul-general of the United States at Hankau, China, vice Levi S. Wilcox, resigned.

#### CONSULS.

William H. Bishop, of Connecticut, now consul at Genoa, Italy, to be consul of the United States at Palermo, Italy, vice James Johnston, nominated to be consul-general at Hankau, China.

James Jeffrey Roche, of Massachusetts, to be consul of the United States at Genoa, Italy, vice William H. Bishop, nominated to be consul at Palermo, Italy.

#### PROMOTION IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Samuel S. Bryant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, November 30, 1904, vice Moreno, appointed second lieutenant of infantry, United States Army.

#### REAPPOINTMENT IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

*To be assistant surgeon with the rank of captain from July 1, 1904.*

José Lugo-Viña, of Porto Rico, late captain and assistant surgeon, Porto Rico Provisional Regiment of Infantry.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 8, 1904.*

#### PROMOTIONS IN THE NAVY.

Capt. William M. Folger to be a rear-admiral in the Navy, from the 1st day of June, 1904.

Capt. Francis W. Dickins to be a rear-admiral in the Navy, from the 17th day of June, 1904.

Capt. George F. F. Wilde to be a rear-admiral in the Navy, from the 6th day of August, 1904.

Capt. Charles H. Davis to be a rear-admiral in the Navy, from the 24th day of August, 1904.

Capt. Charles J. Train to be a rear-admiral in the Navy, from the 13th day of September, 1904.

Capt. George W. Pigman to be a rear-admiral in the Navy, from the 3d day of October, 1904.

Capt. George A. Converse to be a rear-admiral in the Navy, from the 8th day of November, 1904.

#### MINISTER RESIDENT AND CONSUL-GENERAL.

Thomas C. Dawson, of Iowa, to be minister resident and consul-general of the United States to Santo Domingo.

#### SECRETARY OF LEGATION.

Charles Richardson, of Massachusetts, to be secretary of the legation of the United States at Rio de Janeiro, Brazil.

#### MEMBER OF DISTRICT BOARD OF CHARITIES.

George W. Cook, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1904.

#### ASSOCIATE JUSTICE OF SUPREME COURT OF PHILIPPINE ISLANDS.

Adam C. Carson, of Virginia, to be an associate justice of the supreme court of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

#### AGENT FOR POST-OFFICE DEPARTMENT.

William E. Cochran, of Kansas, to be purchasing agent for the Post-Office Department.



## POSTMASTERS.

## DISTRICT OF COLUMBIA.

John A. Merritt to be postmaster at Washington, in the county of Washington and District of Columbia.

## GEORGIA.

Helen D. Longstreet to be postmaster at Gainesville, in the county of Hall and State of Georgia.

## MAINE.

Freeman D. Dearth to be postmaster at Dexter, in the county of Penobscot and State of Maine.

Montrose E. Hill to be postmaster at Old Orchard, in the county of York and State of Maine.

George D. Libby to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

Jenny N. Paine to be postmaster at Eastport, in the county of Washington and State of Maine.

Charles F. Plumly to be postmaster at Lincoln, in the county of Penobscot and State of Maine.

## MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts.

Charles E. Brady to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Albert B. Dresser to be postmaster at Needham, in the county of Norfolk and State of Massachusetts.

Isa B. Fay to be postmaster at Northboro, in the county of Worcester and State of Massachusetts.

Joseph C. Sheehan to be postmaster at East Bridgewater, in the county of Plymouth and State of Massachusetts.

Charles J. Shepard to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts.

Elmer Standley to be postmaster at Beverly Farms, in the county of Essex and State of Massachusetts.

David D. Streeter to be postmaster at Mount Hermon, in the county of Franklin and State of Massachusetts.

Susan F. Twiss to be postmaster at Three Rivers, in the county of Hampden and State of Massachusetts.

Fred D. Walker to be postmaster at Belchertown, in the county of Hampshire and State of Massachusetts.

Marie E. White to be postmaster at South Hadley, in the county of Hampshire and State of Massachusetts.

## NEW HAMPSHIRE.

Leon F. Sampson to be postmaster at Hanover, in the county of Grafton and State of New Hampshire.

## OREGON.

August H. Bender to be postmaster at Myrtle Point, in the county of Coos and State of Oregon.

William M. Brown to be postmaster at Lebanon, in the county of Linn and State of Oregon.

John W. Minto to be postmaster at Portland, in the county of Multnomah and State of Oregon.

Charles W. Parks to be postmaster at Roseburg, in the county of Douglas and State of Oregon.

## RHODE ISLAND.

Nathaniel H. Brown to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island.

Hulda J. Fessenden to be postmaster at Saylesville, in the county of Providence and State of Rhode Island.

Alvin F. Miller to be postmaster at Valley Falls, in the county of Providence and State of Rhode Island.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 8, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## BILLS PASSED LAST SESSION.

Mr. WACHTER. Mr. Speaker, I present the following concurrent resolution:

## House concurrent resolution.

Whereas the bill (H. R. 10516) for the relief of Edward J. Farrell passed both Houses at the second session of this Congress, but was enrolled too late to receive the signatures of the presiding officers of the two Houses and be presented to the President of the United States before the adjournment of the said second session; and

Whereas the bill (H. R. 11444) to grant certain lands to the State of Ohio passed both Houses and was signed by the presiding officers thereof, but failed to be presented to the President of the United States before the adjournment of the said second session: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the said bills be, and are hereby, ordered to be reenrolled for the signatures of the presiding officers of the two Houses and for presentation to the President of the United States.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. MADDOX. Mr. Speaker, I would like to inquire of the gentleman from Maryland what are these bills?

Mr. WACHTER. They are two bills which passed both Houses at the last session. One of them had received the signature of the Speaker of the House and the President of the Senate, but too late to go to the White House.

Mr. MADDOX. What bill was that? What was the other?

Mr. WACHTER. That was a bill granting certain lands to the State of Ohio.

Mr. MADDOX. I heard that. What was the other?

Mr. WACHTER. The other was a bill for the relief of Edward J. Farrell.

Mr. MADDOX. It is impossible to hear. I think we ought to have an opportunity to hear. I can not hear the gentleman.

Mr. WACHTER. The other bill was for the relief of Edward J. Farrell, a citizen of New York State.

Mr. MADDOX. What sort of relief?

Mr. WACHTER. The bills were passed by the House and Senate.

Mr. MADDOX. I understand that. I supposed the gentleman could give us some information.

Mr. SULZER. Just say what the bill is for.

Mr. MADDOX. Yes.

Mr. WACHTER. One was to grant certain lands to the State of Ohio and the other was for the relief of Edward J. Farrell.

Mr. LIVINGSTON. Let us have the titles of the bills read from the desk. We can not hear.

Mr. WACHTER. I will send the bill up and have it read.

Mr. LIVINGSTON. The gentleman desires to have it read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10516) for the relief of Edward J. Farrell.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, to Edward J. Farrell, a deed of quitclaim and release quitclaiming and releasing to said Edward J. Farrell, his heirs and assigns, all the right, title, and interest of the United States of America in and to the following-described land, under water, in the city of New York and State of New York, namely: Beginning at a point in the northerly line of the Croton Aqueduct appropriation, where the same is intersected by the easterly side of lands taken by the United States Government for the improvement of the Harlem River, and running thence northerly along said easterly side of said lands taken by the United States Government for the improvement of the Harlem River 107.87 feet to the lands of the estate of William B. Ogden; thence westerly along the lands formerly of the estate of William B. Ogden 15.45 feet to the pier and bulkhead line established by the United States Government in 1890; thence southerly along said last-mentioned line 180.43 feet to the lands formerly of the Croton Aqueduct appropriation; thence easterly along said lands 9.59 feet to the point or place of beginning: *Provided*, That the said Edward J. Farrell shall show, by proof satisfactory to the Secretary of War, that he is the owner of the abutting shore.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from Maryland who introduced this bill originally?

Mr. WACHTER. The gentleman from New York State, Mr. GOULDEN.

Mr. SULZER. It is all right, then. [Laughter.] I know all about it now. It is all right.

Mr. MADDOX. I would like to inquire of somebody—the gentleman from New York, Mr. PAYNE, if he will answer—if there is any precedent for this sort of business?

Mr. PAYNE. I have not examined into this matter myself, but have conferred with others who have, in whose judgment I have confidence, who state that is within the precedents established. The bill, as I remember, was a bill to remove a clog to the title to a piece of property. I have forgotten the details.

Mr. MADDOX. I do not think I ever heard of anything like this before.

Mr. PAYNE. I am satisfied the bill itself ought to pass. This particular question I have not examined.

Mr. BARTLETT. May I ask the gentleman from New York a question?

Mr. PAYNE. Certainly.

Mr. BARTLETT. Has the gentleman ever inquired as to whether there is a precedent for this particular way of passing a bill which had passed the last session?

Mr. PAYNE. To settle that, I would make a parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. It is whether there are precedents for the action on this particular resolution brought in by the gentleman from Maryland.

The SPEAKER. This matter was brought to the attention of the Chair a day or two ago. The Chair caused the precedents to be examined. This is the Fifty-eighth Congress, the third session. At the close of the second session of the Fifty-eighth Congress both of the bills had passed the House and the Senate.